Supreme Court, U.S.
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IN THE SUPREME COURT OF THE UNITED STATES

NO. _____

LANA PARKER,

Plaintiff/Petitioner,

Vs

COUNTY BOARD OF EDUCATION,

Defendant/Respondent

On Petition for Writ of Certiorari from the Court of

Appeals for the Eleventh Circuit of Georgia

November 24, 2010

PETITION FOR WRIT OF CERTIORARI

LANA S. PARKER, PETITIONER
2927 DAHLIA DR
AUGUSTA, GA.30906

Attorneys for Defendant:

Fletcher, Leonard O., Jr.,

Lanier, Troy A,

QUESTIONS PRESENTED FOR REVIEW

1. Did the Plaintiff present a genuine issue of material fact?

2. Can assault and battery represent "adverse actions"?

3. Did the Plaintiff participate in "protected activity"?

4. Did the Plaintiff satisfy the three requirements of prima facie?

CERTIFICATE OF INTERESTED PERSONS

Barfield, W. Leon, Magistrate, U.S. District Court

Black, Hull and Martin, Circuit Judges for the Eleventh Circuit

County Board of Education of Richmond County, Appellee (Defendant)

Fletcher, Leonard O., Jr., Counsel for County Board of Education of Richmond County

Leonard O. Fletcher
P.O. Box 2084
Augusta, Ga. 30903-2084

Hall, J. Randal, Judge, United States District Court, Southern, District of Georgia, Augusta, Division

Lanier, Troy A, Counsel for County Board of Education of Richmond of Augusta, Georgia

Troy A. Lanier
P.O. Box 2426

Augusta, Ga. 30903

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CITATIONS AND AUTHORITIES

Baker v. Buckeye Cellulose Corp., 856 F.2d 167, 168-69 (11th Cir. 1988 Page 6

Clockedile _ v. New Hampshire Dep't of Corr., 245 F.3d 1, 6 (1st Cir. 2001) Page 2

The Appellate Court stated that the Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec 2000e et seq. "Page 10

Burlington Northern & Santa Fe RY. V White, 549 U.S. 53 (2006) Page 6

Tinsley v. First Union Nat'l Bank, 155 F.3d 435, 439 (4th Cir. (1998).

National Railroad Passenger Corp. ("Amtrak") v. Morgan, 122 S. Ct. 2061 (2002), Page 4

Wallis v. J.R. Simplot Co., 26 F.3d 885, 890 (9th Cir. 1994), caselaw.htm page 3

Breeding v. Arthur J. Gallagher & Co., 164 F.3d 1151, 1156 (8th Cir. 1999) Reasons for Granting Certiorari

Peterson, 358 F.3d at 603.Bodett, 366 F .3d at 7

JURISDICTIONAL STATEMENT

Plaintiff "Lana Parker, presiding pro' se" is **seeking Petition for Writ of Certiorari to the Supreme** Court of the United States of Appeals for the Eleventh Circuit of Georgia dated November 24, 2010. The Supreme Court of the United States has jurisdiction to review the final judgment of the United States Appeals Court for the Eleventh Circuit under 28 U.S.C. 1291, 1294(1). Appeal is taken pursuant to 28 U.S.C. § 1253 (direct appeal to the Supreme Court) from decision of the Eleventh Circuit of Appeals. Plaintiff was granted time by the Court to correct Petition in 60 days, or by April 19, 2011.

Statement of the Case

This case involves the Plaintiff, Lana Parker, presiding pro' se and the Defendant the County Board of Education, of Richmond County, Georgia. The Plaintiff is a 58 year old black female who filed discrimination charges September 6, 2007 in Federal District Court of Augusta, Georgia. (Case no. 1:09-00071) Summary Judgment was granted to the Defendant and the case was dismissed. Plaintiff then filed retaliatory charges with the EEOC of Augusta, Georgia, May 22, 2008, (case no. CV 109:071) and again this case was dismissed according to the Court for lack of a "Genuine issue of material facts" and failing to meet the requirements of prima facie. The Plaintiff filed an appeal in the Appeals Court of the Eleventh Circuit of Georgia. This case was also dismissed. Plaintiff believes that the evidences in this case was disregarded and ignored because of her filing

status and because the Defendant is a large government corporation.

REASONS FOR GRANTING CERTIORARI

Evidences that were included in the Plaintiff's brief was completely disregarded, overlooked, and ignored by both Courts.[1] There were **no other** employees being hit and struck by co-workers on this job. Federal District Court of Augusta, Georgia stated that the Plaintiff did not meet the third requirement of prima facie which is casual connection and did not have a "**genuine issue of material fact.**"[2] The assaults and batteries were being

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[1] Peterson, 358 F.3d at 603.Bodett, 366 F.3d at 744 (italics in original).A plaintiff may show *either* that similarly situated individuals outside her protected class were treated differently, *or* "other circumstances surrounding the adverse employment action give rise to an inference of discrimination."

[2] Breeding v. Arthur J. Gallagher & Co., 164 F.3d 1151, 1156 (8th Cir. 1999) (quoting Lynn v. Deaconess Med. Ctr., 160 F.3d 484, 486 (8th Cir. 1998) [S]ummary judgment should not be granted unless the evidence could not support any reasonable inference' of discrimination.

used by the Defendants as an alternative method to eliminate the Plaintiff after making a charge. **The defendants gave no reason for their actions except they alleged that the Plaintiff was a "delusional schizophrenic" and was delusional in calling a touch "battery."** The Plaintiff saw co-workers hugging and embracing each other, but never striking others like they did her.[3]

The constitution requires that courts consider all the evidences set forth in the records. Courts are supposed to resolve disputes by applying the law to the facts of particular cases **independently** and **impartially.** This will be a disgrace to society for this Court not to review the decision of the lower Courts in this case. It gives hope to people when justice is being served at the "least" in the **Court system.**

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[3] Lindahl v. Air France, 1438-39 (9th Cir.1991), or direct evidence of discrimination.

PETITION

The Plaintiff is a fifty -eight years old black female, who is presiding pro se; is employed as a teacher with the County Board of Education of Richmond County, of Augusta, Georgia for 24 years. Assaults and batteries committed by co-workers started in 2004 when she filed her first charge with the EEOC; the battery started up again when she filed this same charge in District Court in September 6, 2007.[4] It was only thirty days after filing my

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[4] National R.R. Passenger Corp., v. Morgan, US, No. 00-1614 (6/10/02). The US Supreme Court unanimously rejected the 9th Circuit's approach, stating that each discrete act "starts a new clock for filing charges alleging that act" and plaintiffs cannot string together related discrete acts that fall both inside and outside the time period allowed for filing charges. However, the Court, by a 5-4 vote, distinguished hostile work environment claims. "Provided that an act contributing to the claim occurs within the filing period, the entire period of the hostile environment may be considered by a court for purposes of determining liability." *Baker v. Buckeye Cellulose Corp.*, 856 F.2d 167, 168-69 (11th Cir. 1988)(holding that

(CV107-101) case in District Court in Augusta, Ga., when the battery started in October, 2007. The assaults committed by co-workers and others were on going since 2007 through 2011. The Plaintiff filed a ***Retaliation*** claim with the Equal Employment Opportunity Commission of Atlanta Georgia dated May 22, 2008. **Evidences included were 13 affidavits of the Plaintiff's own testimony, the letter and an email that was sent to the court, dated October 13th and 14th 2007, Answers to the Interrogations and an EEOC charge** which named at least one co-worker, Nancy McGuire who committed battery on the Plaintiff in 2007 and there were others but the Plaintiff failed to mention the names because of fear that it would make co-workers and others angrier at her.

"**Assault and batteries are legal terms where assault is the threat of doing bodily harm and battery is the infliction of unwanted touching (battering), though**

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claim that plaintiff was retaliated against for filing Title VII lawsuit could be litigated in federal court without a new EEOC charge)

physical injury is not necessary in order to prove battery. Assault and battery usually constitute a single offense and are considered **willful** or **intentional tort**. The perpetrator willfully threatens to cause harm or wrongfully touches the Plaintiff and then follows by a physical act such as **pushing, shoving, or hitting".**[5] The Plaintiff did not named any co-workers in **her letter and email dated October, 13, and the 14, 2007** for fear of being bullied and harassed by co-workers even more.

The Appellate' Court stated that "there was too much time between the protected activity and the adverse actions." The Plaintiff filed her original discrimination case in Federal Court **September 6, 2007.** The letter and an email sent by the Plaintiff to the Court and to the defendants in October, 2007 are documentary evidences in the Plaintiff's retaliatory case. This environment would have discouraged any reasonably

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[5] http://www.personal-injury-info.net/assaultbattery-caselaw.htm page 3

person from filing a charge or supporting one. District Court stated that the Plaintiff listed only **alleged battery** as her adverse action. District Court said in so many words that **battery** was not enough because in his judgment he states that the Plaintiff met the requirement for "adverse action" although **a minor one.**

The plaintiff is asking the Court to please try to understand why the Plaintiff have pursued this case, the plaintiff endured **many days and sleepless nights** filled with anxiety and depression wondering how I was going to make it through this situation on this job **without harming someone or the reverse.** Battery committed by co-workers and others did not physically injure the plaintiff but the **emotional sufferings, the embarrassments, and the mentally effect it has on the Plaintiff is worse than physical harm.** The plaintiff felt trapped because **if** she had taken matters into her own hand to solve this problem; that is exactly what the defendant wanted the Plaintiff to do. They had an **alternative**

motive by allowing their employees to commit battery on the Plaintiff and they continue to batter the Plaintiff even now. The Plaintiff's Retaliatory claim was filed with the EEOC, May, 22nd 2008, which was seven months after the assaults started. The basic limitations period is 180 days after the alleged unlawful employment practice.

However, the limitations period is extended to 300 days when state law proscribes the alleged employment practice and the charge has initially been filed with a state deferral agency." Tinsley v. First Union Nat'l Bank, 155 F.3d 435, 439 (4th Cir.1998). Co-workers started assaults on the plaintiff in October 2007- 2011. **The earliest assaults on the Plaintiff were in October,** 2007, after *filing* charges *in* District Court September 6,

2007. (Evidences in the appendix) **and the next assaults and batteries were in November, 2007.**[6]

Argument

The Appellate Court stated that the plaintiff did not present any other evidence other than her assumptions that "it seemed as through co-workers were following orders when co-workers and others committed a series of batteries on the Plaintiff." Both Courts disregarded and ignored the evidences that were in the Plaintiff's records; the Appellate Court stated that the earliest alleged battery of Parker's affidavits occurred in

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[6]**The United States Supreme Court** held that Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec 2000e et seq., bars a plaintiff from recovering for discrete acts of discrimination or retaliation that occur outside the statute's time limits. Nevertheless, the Court said that, for hostile environment claims, a court may consider the entire scope of the claim, including acts outside the time limits as long as any single act contributing to the hostile environment occurred within the statutory time period.

January 2008. **Not so**, the earliest battery started right after the plaintiff filed charges in federal district court September 6th 2007 (CV107-101). The temporal connection between the statutorily protected activity, and the "adverse action" was the filing of the claim in Federal District Court on September 6, 2007 and the "Adverse Actions" were series of batteries committed by co-workers and others about a month later, October 13, 2007, about thirty days after the filing of my case in District Court. Just to name a few which stands out in the Plaintiff's mind: **November 5, 2009**, a former teacher's assistant Sherrie Collier, was visiting the school, she spoke to me from across the cafeteria and then came up behind my back and hit me twice in my back and left the cafeteria. Another battery happened while the plaintiff was in a meeting, February 9, 2010, Mrs. Elen Ellis; a third grade teacher hit the Plaintiff about three times, at that time; I defended myself. Another battery occurred, while I was standing in the hall November,

2007 when Mrs. McGuire struck me on my arm, Ms. Bennefield struck me in my back in January, 2008 while I was on my way to class and Linda Ware hit me in the office February 2009 in front of her sister and another office clerk. Co-worker would hit me with the pretense of speaking and they would walk away briskly or just keep walking. They rarely stayed in one position after committing battery on the plaintiff; they were always moving or walking away as they strike. District Court had the audacity to say the plaintiff has alleged a touch, a pat for **battery**; The Plaintiff would like to know what do the courts call battery. Plaintiff makes a hostile environment claim and seeks monetary relief in the amount of $200,000 for assault and battery and for intentional emotionally distress inflicted by co-workers for the last five years.

This 27th day of January, 2010.

"S/" Lana Parker

APPENDIX A

IN THE STATES UNTED DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

LANA S. PARKER
Plaintiff,
V. CV 109-071
BOARD OF EDUCATION,
Defendant,

ORDER

Plaintiff Lana S. Parker (Plaintiff), proceeding pro se filed the captioned case asserting a claim of retaliation under Title VII of the 1964 Civil Rights Act (Title VII), as well as claims arising under state law. Before the Court is Defendant of Board of Education of Richmond County's[7]

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[7] Defendant argues that Plaintiff's EEOC charges do not qualify as statutorily protected activity under Title VII because Plaintiff's EEOC charges were not objectively reasonable in light of the facts and record" (See Def.'s Statement of uncontested Material Facts and Conclusions of law at 3, doc. No. 16.) Defendant bases this argument of Adams, in which the Eleventh Circuit held that, to establish statutorily protected "opposition" activity for purposes of a prima facie case of retaliation, the Plaintiff much show not only that

(Defendant of Board) motion for summary judgment (doc.no.16), Plaintiff's motion for summary judgment (doc.nos.23 &24) and related filing (doc. Nos. 28-34). Upon consideration of the record evidence, the briefs

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[s]he subjectively believe [s] [s]he was being discriminated against...but also 'that h[er] belief was objectively reasonable in light of the facts and record presented.' " 2422 Fed. Appx. At 620 (emphasis in original) (citing Little v. United Tech., Carrier Transicold Div., 103 F.3d956, 960 (11th cir. 1997). Defendant's argument is misplaced for two reasons, first, Plaintiff is not alleging that she engaged in statutorily protected opposition activity, but, rather, that she made charges with the EEOC. Second, it is unsettled in the Eleventh Circuit whether the "good faith, reasonable belief" requirement must be proven when a plaintiff premises her claim upon the participation prong, as opposed to the opposition prong of Title VII. See Wideman, 141 F.3d at 1455 (stating "We need not decide whether protection from retaliation under the participation clause is conditioned by a good faith, reasonable basis requirement"); see also Thomas v. Richmond County sch. Dist., No. CV 107-092, 2008 WL 4857521, at *9 n.6 (S.D. Ga. 2008) (recognizing this unsettled question of law). Thus, Defendant's argument fails.

submitted by counsel, and the relevant law, Defendant's motion for summary judgment is **ranted**, and Plaintiff's motions are **Denied.**

1. Background

Plaintiff is employed with the Board of Education as a teacher at Wilkinson Gardens Elementary School. Plaintiff suffers from depression, anxiety, insomnia, and hypertension. Defendant asserts Plaintiff also suffers from paranoid schizophrenia, but Plaintiff denies suffering this condition. Plaintiff admits having taken medication for "paranoid" in the past, but claims she is not currently taking such medication (Doc. No. 28 at 7.) Plaintiff has sued Defendant multiple times in recent years, including claims in this court. See, e.g. Parker v Bd. Of Educ., Case No. 1:07-cv-101, Doc. No. 27, (S.D. Ga. May 13th, 2008). Defendant contends that "" [a]n objective analysis of all of plaintiff's claims strongly suggests that each and every allegation against the Board is based

upon a paranoid delusion." (Def.'s Br. In Supp. Of Mot. For Summ. J. at 2,Doc. No. 16-2.) In 2003 and 2004, Plaintiff filed multiple charges with the Equal Employment Opportunity Commission (EEOC) against the Board, claiming that she was victim of race discrimination.

Although Plaintiff received a right to sue letter from the EEOC, authorizing her to sue within ninety (90) days, Plaintiff waited to sue in federal court for over three years. Thus, Plaintiff's complaint was dismissed due to its untimeliness. Parker, case No. 1:07-cv-101, Doc. No. 27. In this lawsuit, Plaintiff claims that she has been the victim of systematic series of harassing events by her co-workers, which she has construed as retaliation under Title VII, due to her 2003 and 2004 EEOC charges. Plaintiff claims that her co-workers-other teachers at Plaintiff's school-physically touched her on her back, shoulders, and arms without her consent. Plaintiff claims that these touching rise to the level of battery or aggravated battery. Plaintiff has also made reference in her various

pleadings to the tort of intentional infliction of emotional distress. With the exception of Plaintiff's unverified assertions in her pleadings and Plaintiff's personal affidavits regarding the alleged incidents of unconsented touching, Plaintiff has not provided any evidence that these events took place. Even assuming these events took place, Plaintiff also has not supplied the Court with any evidence that any of the alleged touching were at the direction of or were ratified by the defendant, as opposed to the co-workers action in a purely individual capacity.

Thus, Defendant has moved for summary judgment on all claims and has provided, in support thereof, affidavits of each co-worker alleged to have struck Plaintiff, in which each co-worker denies ever doing so. (See Doc. No. 17.) In response, Plaintiff has moved for summary judgment on all claims, and has provided, in support thereof, twelve (12) separate

affidavits, all of Plaintiff's own testimony, describing a series of instances in which she alleges her co-workers physically struck her, without Plaintiff's consent. (See Doc. No. 30.)

II. Summary Judgment Standard

Summary Judgment is appropriate when there are no genuine issues of fact and the movant is entitled to summary judgment as a matter of law. See Fed. R. Civ. P. 56 (c). The purpose of the summary judgment rule is to dispose of unsupported claims or defenses which, as a matter of law, raise no genuine issues of material fact suitable for trial. Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986). In considering a motion for summary judgment, all facts and reasonable inferences are to be construed in favor of the non-moving party. Hogan v. Allstate Ins. Co., 361 F.3d 621 (11th Cir.2004). The party opposed to the summary judgment motion, however, "may not rest upon the mere allegations of denials in its

pleadings. Rather, its responses...must set forth specific facts showing that there is a genuine issue for trial." Walker v. Darby, 911 F.2d 1573, 1576-77 (11th Cir. 1990).

Summary judgment is not appropriate "if the dispute about a material fact is 'genuine,' that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986). In response to the parties' motions for summary judgment, the Clerk issued a Griffith[8] notice on March 24, 2010, and April 12, 2010, respectively. (Docs . No. 19 & 31,) the time for filing materials in opposition has expired, and the motions are ripe for consideration.

III. Discussion

"Title VII prohibits an employer from retaliating against an employee 'because the employee has opposed any' unlawful discrimination or 'or because the employee has made a charge of 'discrimination with the

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[8] Griffith v. Wainwright, 772 F. 2d 822, 825 (11th Cir. 1985 (per curiam).

EEOC. "Adams v. Cobb County Sch. Dist., 242 Fed. Appx 616, 620 (11th Cir. 2007) quoting 42 U.S.C. 2000e-3(a) (emphasis in original); see also Wideman v. Wal-Mart Stores, Inc., 141 F. 3d 1453, 1454 (11th Cir.1998). "In the absence of direct evidence, Title V11... retaliation claims may be proven using circumstantial evidence and applying the burden shifting framework established in McDonnell Douglas Corporation vv. Green, 411 U.S. 792, 802-04, 93 S. Ct. 1817, 1824-25, 36 L. Ed.2d 668 (1973). " Harrison v. IBM Corp., Nos. 09-11762, 09-11778,2010 WL 1852589 at *2 (11th Cir. May 11, 2010). Here Plaintiff presents no direct evidence of retaliation, thus the McDonnell Douglas burden shifting framework is appropriate.

To establish a prima facie case of unlawful retalia tion, a plaintiff must show that (1) she engaged in statutorily protected conduct; (2) she suffered an adverse employment action and (3) there is a causal connection between the two events. Wideman, 141 F.

3d at 1454. If "a plaintiff makes out a prima facie case of retaliation, the burden shifts to the defendant" to produce "legitimate reasons for the adverse employment action." Brochu v. City of Rivera Beach, 304 f. 3d 1144, 1155 (11th Cir. 2002) (citation omitted) (internal quotation marks omitted).If the defendant does so, the plaintiff must then demonstrate the employer's explanations are a pretext for retaliation. Id.

A. Statutorily Protected Activity

Though it is somewhat difficult to discern what acts Plaintiff identifies as statutorily protected activity, it appears at the very least that Plaintiff is claiming that her filing of multiple complaints with the EEOC in 2003 and 2004 were protected activity. (Compl. 10, doc. No. 1.) Plaintiff also appears to claim that she engaged in protected activity when she filed a race discrimination claim in this Court in 2007. (PL.'sMot. For Summ. J. at 2,

4, doc. No. 23.) The Court concludes that Plaintiff's filing of EEOC charges is charges statutorily protected activity under 42 U.S.C. 2000e-3(a). Thus, the first of the there requirements for Plaintiff's prima facie case is met.[9]

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[9] Defendant argues that Plaintiff's EEOC charges do not qualify as statutorily protected activity under Title VII because Plaintiff's EEOC charges were not objectively reasonable in light of the facts and record." (See Def.'s Statement of Uncontested Material facts and Conclusions of Law at 3, Doc. No. 16.) Defendant bases this argument on Adams, in which the Eleventh Circuit held that, to establish statutorily protected "opposition" activity for purposes of a prima facie case of retaliation, the Plaintiff "must show not only that [s]he subjectively believe]s] [s]he was being discriminated against ...but also 'that h[er] belief was objectively reasonable in light of the facts and record presented.' " 242 Fed. Appx. At620 (emphasis in original) citing Little v. United Tech., Carrier Transicold Div., 103 F.3d 956, 960 (11th cir. 1997).Defendant's argument is misplaced for two

B. Adverse Action

To establish the second element of the prima facie case, adverse action, "a plaintiff mush show that a reasonable employee would have found the challenged action materially adverse, which in this context means it well, might have dissuaded a reasonable worker from making or supporting charge of discrimination."

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reasons. First, Plaintiff is not alleging that she engaged in statutorily protected opposition activity, but, rather, that she made charges with the EEOC. Second, it is unsettled in the Eleventh Circuit whether the "good faith, reasonable belief" requirement prong, as opposed to the opposition prong of Title VII. See Widemean, 141 F. 3d at 1455 (stating "We need not decide whether protection from retaliation under the participation clause is conditioned by a good faith, reasonable basis requirement"); see also Thomas v. Richmond County Sch. Dist., No.CV 107-092, 2008 WL 485721, at *9 n.6 (S. D. Ga. 2008) (recognizing this unsettled question of law). Thus, Defendant's argument fails.

Burlington N. & Sante Fe Ry. V. White, 548 U.S. 67 (2006) (internal citations and quotations omitted).

Unlike many Title VII retaliation claims, the adverse action Plaintiff claims to have suffered here is not termination or demotion, but rather unconsented touching by co-workers, which Plaintiff characterizes as battery and aggravated battery. Defendant argues that "Plaintiff was not subjected to any 'adverse action' which would support a Title VII retaliation claim."(Def.'s Statement of Uncontested Material facts and conclusions of Law at 3-4.) Defendant continues, "[Plaintiff's retaliation claim is based solely upon alleged physical assaults by co-workers, rather than termination of her employment, or suspension, or demotion, or allegedly improper discipline by the Board."[10] (Id.)

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[10] Plaintiff was, however allegedly placed on administrative suspension by Defendant. Plaintiff claims this was the result of her defending herself after being physically struck by a co-worker at the

The Eleventh Circuit has addressed the issue of whether battery can be considered adverse action, albeit in the context of establishing prima facie case of Disability discrimination under the Americans With disabilities Act. The case, Higdon v. Jackson, 393 F.3d 1211 (11th Cir. 2004), involved a plaintiff that alleged a defendant bumped her car into the plaintiff's car while the plaintiff was waiting in line at a back. The Eleventh Circuit stated that "[b]because [the Plaintiff's] complaint involves an alleged battery, although a minor one, we will assume, without deciding, that this incident constitutes an adverse action." Higdon, 393 F.3d at 1220. The Court finds the Higdon case instructive. However, even assuming, without deciding, that the incidents of battery

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school meeting. (Pl.'s Mot. For summ. J. at 2, doc. No. 23.) Thus, by Plaintiff's own admission, this suspension is not alleged to have been causally connected to her statutorily protected activity, but rather a direct result of the alleged altercation with plaintiff's co-worker.

alleged here constitute adverse action in this context, there nevertheless remains the issue of whether Plaintiff's co-workers' actions are somehow imputable to the Board itself, the only defendant in this case. The eleventh Circuit has made clear that "[t]he relief granted under Title VII is against the employer, no individual employees whose actions would constitute a violation of the Act." Hinson v. Clinch County Ed. Of Educ., 231 F.3d 821, 827 (11th Cir. 2000) (citing Busby v. City of Orlando, 931 F.2d 764, 772 (11th Cir. 1991). The Eleventh Circuit has further stated that "[t]he only proper individual defendants in a Title VII action would be supervisory employees in their capacity as agentsof the employer." Id. Here, Plaintiff has not alleged, nor do any of the affidavits filed show, that any of the co-workers alleged to have struck Plaintiff are supervisory employees and that, if so, that they were acting in an agency capacity for the Board. Thus, Plaintiff has failed to establish

adverse action by the Board and, accordingly, summary judgment is due to the Board.

Causal Connection: Assuming, arguendo, that there was sufficient adverse action committed by the Board,Plaintiff has still failed to show evidence of a causal connection. Plaintiff has produced no evidence from which a reasonable juror could find a causal link between the filing of the 2003 and 2004 EEOC charge and the adverse actions, assuming such adverse actions ever existed in fact and in law. The Eleventh Circuit has held that, [t]o establish a causal connection, a plaintiff must show that the decision makers were aware of the protected conduct, and that the protected activity and the adverse action were not wholly unrelated. For purposes of a prima facie case, close temporal proximity may be sufficient to show that the protected activity and the adverse action were not wholly unrelated. Gupta v Fl. Bd. Of Regents, 212 F.3d 571, 590 (11th Cir.2000)

(abrogated on other grounds). "If there is a substantial delay between the protected expression and the adverse action in the absence of other evidence tending to show causation, the complaint of retaliation fails as a matter of law. "Higdon, 393 F.3d at 1220.Amazingly, this case in which Plaintiff's central allegation is that she has been the victim of multiple batteries in retaliation for filing charges with the EEOC, Plaintiff states, in one of her filings, that "[her co-workers] continue to assault me by hitting or slapping me. After, [sic] enduring thirteen to fourteen years of this kind of abuse, I will not continue to go through this kind of intimidation." (Doc. No. 22. at 7.) Plaintiff also asserts that "Defendants [sic] committed battery to [her] person many times before this present case." (Doc. No. 12. At 2.) Additionally, in her charge of retaliation filed with the EEOC on May 22, 2008-a prerequisite for the filing of Plaintiff's instant lawsuit- Plaintiff states: I filed four

discrimination charges...in 2003 and 2004 I have since been harassed and intimidated: I was slapped in the hall by second-grade teacher Nancy McQuire. During November 2007 or thereabouts, by substitute teacher Linda Ware in January 2008 or thereabouts, and by janitor Mary Dunbar in January or February of 2008, I was also slapped by second grade teacher Melrose Bennefield in the lunchroom hall during February 2008 or thereabouts, and by support specialist Nancy Jones in the lunchroom during May 2008 or thereabouts. Therefore, Plaintiff's earliest allegation or retaliatory conduct, according to EEOC charge, occurred in 2007, three years after her latest EEOC filing alleging race discrimination. (See Doc. No. 22. At 3.)

Thus, at a minimum, Plaintiff has failed to clearly articulate the timing of incidents she claims constitute adverse action occurring after her filing of EEOC charges, let alone incidents occurring within a close

temporal proximity thereto. Plaintiff has also failed to provide other evidence tending to show a causal connection. Thus, the Court concludes that Plaintiff has failed to establish a causal connection as required under the third element of the prima facie case for retaliation. See Adams, 242 Fed. Appx. At 621-22 (affirming District Court's grant of summary judgment against plaintiff's Title VII retaliation claim because plaintiff failed to establish prima facie element of causal connection where earliest alleged adverse actions occurred over three years later). Accordingly, Defendant is entitled to summary judgment.

State Law Claims

Finally, through her various pleadings, Plaintiff references multiple state law based torts. However, because Plaintiff has not succeeded on her alleged federal claim, the Court declines to exercise supplemental jurisdiction over Plaintiffs' remaining state law claims See 28 U.S. C. 1367 (c) (3).

IV. Conclusion

Upon the foregoing, Defendant's motion for summary judgment is **Granted,** and Plaintiff's motions are **denied.** All other motions are moot and shall be **TERMINATED.** The clerk shall enter **FINAL JUDGMENT** in Defendants' favor, and is further **DIRECTED to CLOSE** this case. **ORDER ENTERED** at Augusta, Georgia, this 25th day of May, 2010

"S/" Randal Hall HONORABLE J. RANDAL HALL

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

APPENDIX B

IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 10-12786

D.C. Docket No. 1:09-cv-00071-JRH-WLB

LANA PARKER,
Plaintiff /Appellant,
Vs

BOARD OF EDUCATION
Defendant / Appellee,

Appeal from the United States District Court for the Southern District of Georgia

NOVEMBER 24, 2010

Before BLACK, HULL, AND MARTIN, Circuit Judges PER CURIAM:

Lana Parker, proceeding pro se, appeals the District Court's grant of summary judgment in favor of her employer, the County Board of Education of Richmond county, Georgia, (Board in her retaliation suit brought under Title V11 of the Civil Rights of 1964, 42 U.S. C. §

2000-3 (a) Parker asserts the district court erred in granting summary judgment as to her claim that the Board directed employees to physically abuse, intimidate, and harass her in retaliation for filing claims with the Equal Employment Opportunity Commission (EEOC) in 2003 and 2004. After review, we affirm.[11]

To establish a prima facie case of retaliation under Title V11, a plaintiff can show "(1) [s]he engaged in statutorily protected activity; (2) [s]he suffered a materially adverse action; and (3) there was a causal connection between the protected activity and the [materially] adverse action." *Howard v. Walgreen Co.*, 605 F.3d 1239, 1244 (11th Cir. 2010) (citation omitted).

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[11] We review a district court's grant of summary judgment de novo, applying the legal standard used by the district court." *Shiver v. Chertoff*, 549 F/3d 1342 (11th Cir.2008). The district court's factual finding, however, warrant review for clear error only. *Robinson v. Tyson Foods, Inc.*, 595 F. 3d 1269, 1273 (11th Cir. 2010).

Assuming, *arguendo*, Parker can establish the first two prongs; she can offer no evidence to establish the third element of her prima facie case. The only evidence Parker offered on this issue was in her response to the Board, in which she stated that "**it seemed as though her co-workers who touched her were following orders." This bald assertion lacks evidentiary value, as she had no basis to form this opinion.** Moreover, this statement failed to show any causal relationship between a protected activity and the adverse action. Additionally, there was no temporal relationship between the statutorily protected activity of filing an EEOC charge and the allegedly adverse series of batteries by co-workers. The earliest battery alleged in Parker's affidavits occurred in January 2008 when Linda Ware "hit [Parker twice in the office]." Prior to the EEOC charge occurred 44 months prior to the earliest battery for which evidence was provided. Her most recent lawsuit occurred approximately 6 months prior to any battery for which evidence

was provided. We have held that a 3 month delay between a protected activity and an adverse action did not establish temporal proximity. See, Wideman v. Wal-Mart Stores, 141 F.3d 1453, 1457 11th Cir. 1998); Thomas v. Cooper Lighting, 506 F.3d 1364 11th Cir. 2007). As there is no other evidence tending to show a causal relationship, prima facie element three fails as a matter of law. See Higdon v. Jackson, 393 F3d 1211, 1220(11th Cir. 2004)

AFFIRMED

APPENDIX C

Letter and email (Evidences) Retaliatory charge

United States District Court Southern District of Georgia

Lana S. Parker Plaintiff

Vs

Board of Education, Defendant

James Atkins (corporate head)

Leonard Fletcher, Jr. (attorneys)
Troy Lanier

I am asking the defendants' attorney to order the co-workers at Wilkinson Gardens to stop the assaults. They continue to assault me by hitting or slapping me. After, enduring thirteen to fourteen years of this kind of abuse, I will not continue to go through this kind of intimidation. I also asked my principal Dr. Hopson to stop this behavior. It is being done on purpose and sometimes I know it not meant to hurt me, just to irritate me to leave or do something stupid so I could go to jail. But I continue to suffer with sever anxiety and sometimes it is worse than other times.

This 14th day of October, 2007

"S/" Lana Parker

From: Parker, Lana

Sent: Saturday, October 13, 2007 1:24 PM

To: Hopson, Eleanor

Subject: Re: please remind staff members

Dear Dr. Hopson,
I am asking you to please inform your staff about touching or striking me. I know they don't mean a lot of harm. But I am still going through some things that I have experience from working with most of the staff here. And I will greatly appreciate that. It's not that I am too good to be touch, but I have suffered from anxiety for a long time now, a condition I think will be with me for while.

Thank you

EMAIL SENT TO THE PRINCIPAL:

Ms Parker

I would like to discuss this matter with you in confidentiality in my office at 4:00 P.M. today (October 15, 2007)

Appendix D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

Lana Shavers Parker
Plaintiff

Vs CV 109-071

Richmond County Board of
Defendant
Education, et al,

PLAINTIFF'S ANSWERS TO THE DEFENDANTS' INTERROGATORIES.

1. State the full name and last known address of every person known to you who has any knowledge regarding the facts and circumstances concerning the events referred to in the Complainant, including the occurrence of the incidents described therein and any alleged damages, including, but not limited to, eye witnesses to such events, as well as damages witnesses and other persons having any knowledge thereof.

ANSWER:
Dr. Riaz Rassekh medical
2007-present

2011 Windsor Spring R.
Augusta, 30906

Dr. John Dirksen — medical
2003-2007
104 SRP Dr., Evans

Dr. Eleanor Hopson — Principal
2006-2008
No known address

2. Please state in reasonable detail the relevant knowledge of every individual identified in response to the preceding interrogatory.

ANSWER:

Dr. Riaz Rassekh is my primary care physician who has some knowledge of my anxiety. Dr. John Dirksen is a psychiatrist and has some Knowledge of about what I endured. **Dr. Eleanor Hopson was principal at Wilkinson Gardens Elementary school in 2007 when I sent an email to her asking her to please tell the staff to stop hitting me. (Letters included in the plaintiff's complaint)**

3. Names of those who struck me in some form that I remembered in 2009. Plaintiff complaint contains detailed allegations regarding the alleged acts of retaliation which are allegedly attributable to board employees. If plaintiff has omitted any acts of alleged retaliation from plaintiff's Complainant, Please list and describe any additional alleged acts of retaliation.

ANSWER:

Ms. Cherrie Collier cafeteria
November 5, 2009
(Ex-Para-pro) (After filing my retaliation case)

Ms. Debra Pitt's cafeteria
April, 2009

Ms. R-Kelly classroom
April, 2009

Ms. Ellen Ellis classroom
Sept. 2009

Ms. Denise Moore Hall
Oct.2008

Mrs. Katherine Greene Hall
Sept. 2008

Mrs. Betty Nimes (a touch) cafeteria
Sept. 2009

Ms. Raven Wilkes (a touch) cafeteria
Sept. 2009

Ms Sheila Murphy (a touch) hall
Oct. 30th 2009

I would like to know why they need to hit me or touch me. I do know the difference between a hit and a touch. A touch is lightly placing a hand on ones shoulder or arm, a hit is done intentional with more force. Was I physically injured? No, but it was intimidating and unduly distressed which I did not need. Why do they need to touch or strike me at all? I speak to people all the time but I do not strike touch them.

4. Are you in possession of any documents or records of any description which support plaintiff's claims of retaliation? If so, please describe each and every such document of record, and please produce a copy of any such documents or records to counsel for the Board.

ANSWER

a) A letter to the U.S. Court in 2007 and to the defendant's attorney asking them to please stop the assaults on me. But it continued.

b) I wrote a letter to Dr. Hopson asking to please advise the staff about hitting me. The hitting started back in 2007 and continued until 2009. Each time I wrote a letter to the attorneys, the defendants with whom I worked with knew the content of that letter and conditions got worse for me on this job like striking me.

c) A letter I wrote to the Director of EEOC in Atlanta expressing my concerns on this job.

5. Please list the name of every person who has retaliated against you by hitting you or touching you in an improper manner.

ANSWER

All incidences of retaliation occurred on the job at Wilkinson Elementary School, at 1925 Kratha Dr. Augusta, Georgia, 30906.

Names of those who struck me in 2008 and it could have been more, but these are the ones that I remembered.

Names whereabouts	when
Ms. Nancy McGuire November, 2008	Hall
Ms. Linda Ware (sub. teacher)	Office January 2008
Ms. Mary Dunbar February, 2008	Hall January and/or
Ms. Melrose Bennefield November 2008	Hall

APPENDIX E

AUGUSTA/RICHMOND COUNTY RELATIONS COMMISSION

Discrimination Report

Ms. Lana S. Parker
2927 Dahlia Dr
Augusta, 30906-4473

706-790-0968
Date of Birth,
08/06/1952

Named is the Employer, labor Organization, Employment Agency, apprenticeship Committee, or State or local Government Agency That I believe Discriminated against me or other, (me more than two, list under PARTICULARS below. (No. of employee 500) Richmond

County Board of Education
Streets Address 864 Broad St.
Augusta, Ga. 30906-1215

Discrimination Based on Race **color** sex Religion national origin **Retaliation** age disability other The particulars are (if additional paper is needed, attach extra sheet(s): Hired on January 2, 1989, and now teaching in the second grade at Wilkinson Garden Elementary, I file four discrimination charges,

(FEP#0803000/EEOC#11AA300215FEP#08030056/EEOC#AA300235FEP#12030373/EEOC#11AA400077, FEP#04040642/EEOC#11AA400170) in 2003-2004 I have since been harassed and intimidated: I was slapped in the hall by second-**grade teacher Nancy McGuire during November 2007 or thereabouts by, substitute teacher Linda Ware in January 2008 or** thereabouts and by janitor Mary Dunbar in January or February of 2008 or thereabouts, and by support specialist Nancy Jones in the lunchroom during May 2008 or thereabouts. Despite my repeated request to my employer and my case in US District Court.

II. The perpetrators have not explained their harms, nor has the Board of Education explained its inaction.

I believe that in violation of Title VII of the Civil Rights of 1964, as amended. I have been and am being discriminated against in retaliation for my earlier charges; inasmuch as, schoolteachers who have not filed discrimination charges are not suffering identical or

similar harms. I want this charge filed with both the EEOC and the State of local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with procedures.

I declare under penalty of perjury that the above is true and correct. **May 22, 2008** **"S/" Lana S. Parker** I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information an belief.

Signature of Complainant

"S/" Lana S. Parker

APPENDIX F

APPEAL NO.10-12786-G

LANA PARKER,

Plaintiff/appellant,

Vs

BOARD OF EDUCATION,

Defendant/appellee

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA

CASE NO.1:09-CV-00071-JRH-WLB

PLAINTIFF RESPONDS TO ALLEGATIONS MADE BY DEFENDANTS

The Plaintiff makes correction as to my employment date at Wilkinson Gardens Elementary school as a third grade Teacher; I have been employed at Wilkinson Gardens since **1992,** about 22 years. Defendants allowed aggravating conditions to continue, which was meant as an alternative purpose to terminate the

Plaintiff. **The letter that the Plaintiff wrote to Dr. Charles Larke, on the 30th of April, 2003, stated that I was being discriminated against started years of discrimination tactics from the defendants.** The assaults started in 2003-2004 after the filing of my first case with the Human Relations in Augusta, Georgia. The assaults from co-workers stopped in *2004* but start again in *2007* after the filing of my case in Federal District Court. **"The charges that were filed against the defendants were filed to draw attention to the pain, suffering, and the emotional abuse that the Plaintiff experienced at the hands of co-workers and to make them stop assaulting me.**[12] Three charges but the one case was filed in the wrong court in my efforts to locate U.S. Federal District court and to get some relief from the abuse that I was experiencing. The temporal connection between the cases filed in 2004 and 2007 is that it is same discrimination case, and the retaliatory charges is based on the facts that when the

[12] Court doc. #28

Plaintiff filed her case in 2007 in Federal Court, the assaults started while the case was before the court in 2007 and continued until May, 2010. The time limit of the case was based on how long it took for the cases to get the system. The EEOC investigation and the District Court took about three years altogether to rule on this case.

STATEMENT OF FACTS

Everything that the defendant stated about the Plaintiff is false, starting with the letter that was written by my psychiatrist in 2003. It might have been facts then but not now. The Plaintiff was under Dr. Dirksen care and on medication for three years, from 2003-2006. The Plaintiff continues to experiences anxiety, some depression but not chronic paranoid schizophrenia for over twelve years and, if that is true, these mental issues started only after the Plaintiff started working at Wilkinson Gardens in **1992** and after sending a letter to Mr. Charles Larke **stating that I was being discriminated against**. If the Plaintiff was chronic Paranoid Schizophrenia for over twelve years,

there is no way the Plaintiff would have been able to work with such sever mental problems. The stress and the conditions under which the Plaintiff worked everyday with twenty or more students for the last ***twenty-two years would have created a volatile situation.*** The Plaintiff believes that is exactly what the defendants were trying to accomplish, a volatile situation which would have cost the Plaintiff her job and her freedom.

Plaintiff Responses

The defendant also stated several incidents leading up to the filing of my discrimination charges in 2003. ***In my letter to the superintendant, Dr. Charles Larke, there were several incidents that I told him about and it was call discrimination***.

About the "poisoning claim" (evident in 2007 discrimination case) when I started experiencing insomnia almost every night, I did not know what to think because that was not like me; I always slept about 10-12

hours a night. I needed to ***find the root cause*** of not being able to sleep, so I went online and ordered a chemical hair analysis test. The test came back positive for 0.4 methamphetamines. [13] The Plaintiff explained her conditions in a letter to the superintendant and asked for an investigation into the matter. The plaintiff felt like she was being poisoned on the job. After experiencing health problems and prolong insomnia; the Plaintiff felt that someone at work was trying to poison her to stop her from working because she is a person who was rarely sick. The plaintiff received no reply from the Board.

The Plaintiff noticed that she was also being treated differently than the other teachers, being excluded from things, being overlooked, not recognized for anything, name calling and was given ***degrading comments on my Georgia Teacher's Annual Observation Evaluation but in the comment area at the bottom of my evaluation the principal (Mr. Willie Jarmon) made***

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[13] Doc #16-3, p. 5: Ex. A complaint filed in State Court

comments that Mrs. Parker has minimally completed all duties and responsibilities for the 1994-95 school year.[14] There are ***five evaluations with these remarks starting in 1994 to 1998***. These evaluations would have made it very difficult to be hired in another teaching position, anywhere; if I was forced to quit and that is exactly what the defendants wanted. But the Plaintiff did not say anything because she did not know who she could talk with in confidence.

Just to clarity some of the things that was stated in the defendant's brief about the "red paint mark" that was over my classroom door (before the school was renovated, it is no longer there) There was a red paint mark placed over my classroom door, the Plaintiff believes that it was ***done as a mockery*** and to cause ***shame and embarrassment*** to force me to quit before I actually filed my of discrimination charge. ***I am a Christian and I do not believe in black magic***. This kind

[14] Evidences in 2007 case

of abuse and other things that I previously stated helped to motivate the Plaintiff to file her discrimination charge and ultimately her retaliation charge. ***The defendants believe and use black magic, and witchcraft to help control anyone who steps out of line, which is manipulation of the mind to accomplish their goals of eliminating trouble makers.*** The Plaintiff was not fire but she believes that the defendant tried to manipulate her mind through use of drugs to eliminate her from her job in 2003 when she started experiencing prolonged insomnia.

Another situation happened when someone at work broke into a locked closet in my classroom and rummage through my personal belongings where the lock was physically removed. I reported all of this to the superintendant in my letter before filing discrimination a charge 2004. They allowed fellow co-workers to strike the Plaintiff and do their dirty work to avoid being caught and swear they knew nothing about it nor consented to anything. The defendant is guilty of negligence or

intentional tort because they should have stopped the assaults on the Plaintiff.

Georgia state law declares that a tort is the unlawful violation of a private legal right other than a mere breach of contract, express or implied. There is a temporal connection between the cases filed in 2004 and 2007, it is the same discrimination case, and the retaliatory charges is based on facts that was filed in 2009 in Federal Court because that is when the assaults by co-workers started again after the filing of the case in 2007 and continued until May, 2011. The defendants insist that I was delusional because I called hitting and striking, touching, and a pat, assaults, but I did not invent the term assault and battery. Georgia state law declares that a tort is the an unlawful violation of a private legal right other than a mere breach of contract, express or implied. There is a temporal connection between the cases filed in 2004 and 2007, it is the same discrimination charge, and the retaliatory charges is based on the

some facts that was filed in the retaliatory charge in Federal Court because that is when the assaults started again after the filing of the case in 2007 in Federal District Court and continued until May, 2010.

This 14th day of August, 2010

Lana Parker "S/"

Appendix G

APPEAL NO. 10-12786-G

UNITED COURT OF APEAL FOR THE ELEVENTH CIRCUIT of

GEORGIA

LANA PARKER
Plaintiff

vs

COUNTY BOARD OF EDUCATION OF

RICHMOND COUNTY
Defendant

PLAINTIFF'S PETITION APPEALS COURT

This is a retaliation case filed by the Plaintiff against the Board of Education May 22, 2008. I filed this retaliation charge after being struck by co-workers in 2007 and while my discrimination charge was in Federal court in 2007. I have there documentaries as evidences that were completely ignored by the trial court, (docket. 28) which included a letter to the defendants, an email, and a letter to the director of the EEOC expressing my concern of co-workers striking me in (2007-2010).

Defendants knew of my psychological conditions from previous charge because it was apart of my records as evidences that was filed in Magistrate court, (2004) and Superior court in (2005) the same case. Defendant stated that each and every charge that was brought by the Plaintiff was "delusion Paranoia." Since, I was so delusional and paranoia according to the defendants, that I could not understand a friendly pat from a tort.

The hitting was just enough to agitate and aggravate my mental state of mind. Defendants were willing to put students, parents and others at risk at in order to accomplish their goal of terminating me and their own egos. I was struck by co-workers and other members of the staff and it was very intimidating. After my discrimination case was dismissed, I filed this retaliation charge in 2008; I received the Right to Sue Letter in January 2009, and I filed my retaliation case in district court in March of 2010. My retaliation case was dismissed according to the Court that "it must set forth

specific facts showing that it is a genuine issue for trial and that the Plaintiff's case did not meet the three requirements for retaliation. I do not understand how the District Court came to that conclusion that there was no genuine issue for trial. Reluctantly, District court stated that the Plaintiff met phase one of prima' facie "statutorily protected activity," the court reluctantly and was undecided about phase two Adverse Action, but finally stated that battery could be considered a **minor** form of "adverse action." The court states that stage three "causal action." was not met. Causal connection was met, because these torts started after filing the first charge in 2003, stopped at that time until the Plaintiff filed this same discrimination case in federal Court in 2007, and the torts started again. The connection between the cases is that my first discrimination case is filed in State Court and Superior Court in which both were dismissed. I did not know where to file under

Federal protection laws. Furthermore, I was still experiencing a lot of other things on the job. Just to get to work on time, try to keep some form of sanity, and to perform my duties was a struggle. After all of that, I finally located the federal court and filed my case in 2007, the same case. At that time, co-workers started striking the Plaintiff again and they continued until 2010.

District Court stated that since I had not succeeded on my "alleged" federal claim, the court declines to exercise supplement jurisdiction over remaining state law claims[15] and that I did not meet the three requirement for retaliation, my case was dismissed. The retaliation case started out as a Federal case that happen to fit perfectly well for state case but was in federal court, and it could have been ruled on by federal laws.

Lana Parker "S/"

This 23rd July, 2010,

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[15] Doc 36 (State Law claims p 12)

Appendix H

**IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

LANA S. PARKER,
Plaintiff

V. CV 109-071

BOARD OF EDUCATION
Defendant

ORDER

This matter is before the Court on Plaintiff's motion for an extension of time to file her motion of summary judgment in this case. (Doc. no. 18). While the Court does not condone the untimeliness of Plaintiff's request, it nonetheless recognizes that Plaintiff requests only a short extension, and the deadline for filing motions for summary judgment only recently expired. (See doc. no. 9, p.2). Accordingly, Plaintiff's motion is **Granted.** Plaintiff shall have through and including Friday, april 2, 2010, to file her motion for summary judgment and any Supporting briefs and exhibits. The parties should note

that any further motions for extension in this case will have to be addressed to the District Judge. SO **ORDERED** this 25th day of March, 2010, at Augusta, Georgia.

W. BARFIEL "S/"UNITED STATES MAGISTRATED JUDGE